

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BERTON G. TOAVS,

Plaintiff,

v.

ROBERT BANNISTER, et al.,

Defendants.

Case No. 3:12-cv-00449-MMD-WGC

ORDER

Before the Court is Defendants' Motion to Take the Video Deposition of Defendant John Peery Remotely and to Use Same at Trial in Lieu of Live Testimony ("Motion"). (Dkt. no. 88.) Plaintiff has failed to respond to the Motion. LR 7-2(d) provides that "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute consent to the granting of the motion." By failing to respond, Plaintiff has therefore consented to the granting of the Motion. Moreover, the Court finds that Defendants have demonstrated good cause to support the granting of the Motion under Rules 30(b)(3), 30(b)(4) and 32(a)(4)(C) of the Federal Rules of Civil Procedure. It is therefore ordered that Defendants' Motion (dkt. no. 88) is granted. Defendants' motion for status conference or resolution (dkt. no. 94) is denied as moot.

DATED THIS 26<sup>th</sup> day of August 2015.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE